

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF CLARKSTON TO AMEND CITY CHARTER ARTICLE III, SECTIONS 3.04 – 3.09 CONCERNING THE “MAYOR’S COURT” TO MODERNIZE THE CHARTER TO REFLECT THE CITY OF CLARKSTON MUNICIPAL COURT AND FOR OTHER PURPOSES.

WHEREAS, the City Charter currently provides for a “Mayor’s Court” with the mayor essentially serving as judge; and

WHEREAS, State law requires the appointment of a qualified judge to oversee the Municipal Court rather than the mayor; and

WHEREAS, the City desires to modernize its Charter to reflect the Municipal Court as actually in effect; and

WHEREAS, the City is authorized to amend its Charter pursuant to its home rule powers as set forth in O.C.G.A. § 36-35-3.

NOW THEREFORE, BE IT ORDAINED BY the City of Clarkston as follows:

SECTION 1. City Charter Sections 3.04 – 3.09 are hereby repealed. The following provisions are hereby substituted in their place, to read as follows:

“Sec. 3.04 – Municipal Court – Appointment of Judge.

The City of Clarkston Municipal Court shall be presided over by a qualified judge appointed by the City Council on an annual basis. Such judge shall receive such compensation as shall be fixed by the City Council and shall serve at the pleasure of the City Council.

Sec. 3.05 – Convening of Municipal Court.

The Municipal Court shall be convened at such times as may be designated by Ordinance or at such times as deemed necessary by the Municipal Court judge to dispose of the business of the Court or both. The Court shall sit at Clarkston City Hall or at such other place within the City of Clarkston as may be designated by the City Council from time to time by Resolution.

Sec. 3.06 – Municipal Court Jurisdiction and Powers.

(a) The Municipal Court shall try and punish for crimes against the City of Clarkston and for violation of its ordinances. The Municipal Court may fix punishment for offenses within its jurisdiction not exceeding a fine of one thousand dollars (\$1,000.00) or imprisonment for six (6) months or both.

(b) The Municipal Court shall have authority to punish those in its presence, or so near thereto as to affect its operation, for contempt.

(c) The Municipal Court shall have authority to establish a schedule of fees to defray the cost of operation and shall be entitled to reimbursement of the cost of meals, transportation and caretaking of prisoners bound over to state or superior courts for violation of state law.

(d) The Municipal Court shall have authority to establish bail and recognizance to insure the presence of those charged with violations and may prescribe the conditions for forfeiture of the same.

(e) The Municipal Court shall have authority to administer oaths and perform all other acts necessary or proper to the conduct of said court.

(f) The Municipal Court shall have the authority to bind prisoners over to the appropriate court when it appears that a state law has been violated.

(g) The Municipal Court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of summons, subpoena and warrants which may be served as executed by any officer so authorized by this charter or by state law.

Sec. 3.07 – Municipal Court Records.

The City Manager shall appoint a Municipal Court clerk who shall serve at the pleasure of the City Manager. The Municipal Court clerk shall be responsible for keeping such records of proceedings of the Municipal Court as shall be necessary to a full understanding of the charge, evidence and disposition of each case that comes before the Municipal Court.

Sec. 3.08 – Certiorari to the Municipal Court.

Certiorari from the Superior Court of DeKalb County to the Municipal Court of Clarkston shall lie pursuant to O.C.G.A. § 5-4-1 et seq.

Sec. 3.09 – Reserved.”

SECTION 2. The sections, paragraphs, sentences, clauses or phrases of this Ordinance are severable and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 3. All Ordinances and parts of Ordinances in conflict herewith or hereby expressly repealed.

SECTION 4. The effective date of this Ordinance is the date of its adoption at the second of two consecutive regular meetings of the City Council.

ADOPTED this _____ day of December, 2014.

ADOPTED this _____ day of January, 2015.

ATTEST:

**CITY COUNCIL OF
CITY OF CLARKSTON, GEORGIA**

Tracy Ashby, City Clerk

Mayor Ted Terry

(SEAL)

Approved as to form:

Stephen G. Quinn, City Attorney